

REMARKS

Upon entry of the present amendment, claims 1-4, 8, 16, 18, 19, 21- 24, 26 through 28, 31-33, and 35-38 will have been amended to clarify the features of Applicants' invention. In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections set forth in the above-mentioned Official Action. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicants wish to respectfully thank the Examiner for accepting the drawings filed in the present application on April 11, 2006.

Applicants additionally wish to respectfully thank the Examiner for acknowledging their claim for foreign priority under 35 USC 119 as well as for confirming that the certified copies of the foreign priority documents had been received from the International Bureau in accordance with PCT rule 17.2(a).

Applicants further note the Examiner's indication that an Information Disclosure Statement was filed in the present application on July 6, 2006 together with the Examiner's assertion that such Information Disclosure Statement fails to comply with 37 C.F.R. § 1.98 (a)(2). The Examiner asserted that a legible copy of each cited foreign document was not submitted. In this regard, the Examiner asserted that some copies of the set of documents were missing from the file and noted his unawareness of a procedure wherein, if the International Bureau sends copies of the documents to the United States Patent and Trademark Office duplicate copies of the these documents need not be submitted.

Initially Applicants note that no copy of the PTO 1449 form that accompanied the above noted Information Disclosure Statement was returned with the outstanding Official Action, in spite of the indication on the cover sheet of the Official Action (PT OL -- 326) that such a form was enclosed.

Further, Applicants respectfully direct the Examiner's attention to MPEP Sec. 609.03 which indicates that documents cited in the International Search Report will be considered by the Examiner but will not be cited on a PTO-892 form. Thus, Applicants listed these documents on a PTO-1449 form to facilitate the Examiner's indication that he has in fact considered these documents in compliance with the MPEP. Nevertheless, the Examiner is respectfully thanked for citing the missing references on the "attached PTO-892" form.

Applicants additionally note that Information Disclosure Statements were filed in the present application on February 25, 2008 and April 17, 2008. Accordingly, together with the next Official Action in the present application, Applicants respectfully request that the Examiner consider the documents cited in the above noted supplemental Information Disclosure Statements and confirm such consideration by forwarding initialed and signed copies of the PTO 1449 forms that were attached to the above noted Information Disclosure Statements.

In the outstanding Official Action, the Examiner objected to claims 19 and 21 based on number of the enumerated informalities. By the present response, each of the above noted informalities has been eliminated. The Examiner is respectfully thanked for bringing these minor matters to their attention so that they could be corrected.

Claim 33 was rejected under 35 U.S.C. § 112, first paragraph is failing to comply

with the enablement requirement and with the written description requirement. The Examiner asserted that the claim contains subject matter which was not described in the specification in such a manner as to enable one skilled in the art to make and/or use the invention. The Examiner asserted that the aspect of the invention recited in claim 33 is shown in Figure 43 and is discussed in paragraphs [0200] -- [0202]. In particular, the Examiner asserted that the specification does not describe how the arc shaped guide member of claim 33 could be used in combination with the magnetism masking element of claim 1.

Applicants respectfully traverse the above rejection and submit that the present invention is properly and fully described in the present application. In particular, Applicants respectfully submit that the present application fully complies with both the enablement requirement and with the written description requirement.

The description of Applicants embodiment 17 is directed to those features of embodiment 17 that are different than the corresponding features of the other embodiment set forth in the present application. However, in the interests of brevity and conciseness, those aspects of embodiment 17 that are the same as corresponding features and components of other disclosed embodiments are not described again. Thus, any description that is not directed to the specific and particular features by which embodiment 17 differs from the other embodiments is not explicitly set forth. In this regard, embodiment 17, as disclosed herein, replaces a belt type supporting member, as utilized in embodiment 1, with the accurate guide member 1120. Thus, the magnetism masking element of embodiment 17 can be substantially the same as that described with respect to the various other embodiments.

Accordingly, Applicants respectfully submit that the subject matter of claim 33 does not directly impact or affect the structure of the magnetism masking element. In other words, embodiment 17 utilizes a guide member 1120 instead of a belt supporting member 210. However, since the magnetism masking element clearly cooperates equally with the belt supporting member of embodiment 1 and the guide member of embodiment 17, the structure of one does not directly affect the structure of the other.

This aspect of Applicants' invention can be clearly understood by one skilled in the art and accordingly, even if the disclosure of the magnetism masking member is not repeated for each of the various embodiments, including embodiment 17, one of ordinary skill in the art can readily make and/or use the present invention, based on the disclosure of the present application considered in its totality. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 33.

In the outstanding Official Action the Examiner rejected claims 1-4, 7, 8, 11, 14, 23, 24, 27, and 34 under 35 U.S.C. § 102 (b) as being anticipated by IMAI et al. (Japanese Patent Document No. 2001 -- 125407).

Claims 5, 6, 9, 10, 12, 13, 15-22, 25, 26, and 28-32 were objected to as being dependent upon a rejected base claim. However, the Examiner indicated these claims would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims. Applicants note the Examiner's indication of allowable subject matter with appreciation and with obvious acquiescence. Nevertheless, because Applicants submit that all the claims in the present application are patentable over the references of record herein, Applicants respectfully decline to rewrite any claims into independent form at the present time. Rather, Applicants respectfully traverse the

Examiner's rejection and submit that the references of record herein do not contain disclosures that are adequate or sufficient to anticipate or even to render obvious the combination of features recited in each of Applicants' claims. Thus, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection together with an indication of the allowability of all the claims pending in the present application, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

Applicant's invention is directed to fixing apparatus. In particular, the fixing apparatus of the present invention includes a magnetic flux generation section that generates magnetic flux and a heat producing element of a nonmagnetic electrical conductor, that allows passage of the magnetic flux and is induction heated. At least one magnetism masking element masks the magnetic flux and a magnetic flux adjustment section switches between masking and clearing of magnetic flux with respect to a paper non-passage area of the heat producing element. The magnetism masking element is located on the opposite side of the magnetic flux generation section across the heat producing element and, when the heat producing element produces heat, the magnetism masking element is positioned, by the magnetic flux adjustments section, at a position where the magnetic flux is masked with respect to a paper non-passage area of the heat producing element and suppresses heat in the paper non-passage area.

It is respectfully submitted that the combination of features recited in Applicants claims, as set forth above, is not taught, disclosed, suggested, or rendered obvious by the references of record in the present application. Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection together with an

indication of the allowability of all of the claims pending in the present application.

As noted above, Applicants' respectfully traverse the Examiner's rejection based on the disclosure of the IMAI reference. There are numerous differences and distinctions between the structure and function of IMAI and the structure and function of the present invention, as recited in the pending claims.

In particular, Applicants' claim 1 recites a heat producing element of a nonmagnetic electrical conductor that allows passage of the magnetic flux and is induction heated. In direct contrast to the above, the heating roll 44 of IMAI is described to be of a magnetic material. In this regard, Applicants respectfully direct the Examiner's attention to paragraph [0037] of the English language translation of the IMAI document that is of record in the present application. In particular, the heating roll 44 is described as comprising a magnetic material which has the high magnetic permeability and can be an alloy of iron and nickel chromium. For this reason alone it is respectfully submitted that IMAI is an inappropriate basis for the rejection of any of the pending claims.

According to the teachings of the present invention, the magnetism masking element is located at a position where the magnetic flux from the heat generation section is masked in the paper non-passage area while heat is being produced. In direct contrast to this, IMAI discloses changing the position of the conductive member 45a between the positions shown in Figures 5 and 7 thereof. In particular, the conductive member 45a is switched between a position at which a magnetic flux is not received when the temperature of the heat producing roller is lower than the Curie temperature and a position at which the magnetic flux is received when the temperature is higher than the Curie temperature. In this regard, the Examiner's attention is respectfully directed to

paragraphs [0047] and [0048] of the English language translation of IMAI.

Further, the present invention utilizes, in combination, a magnetism masking element positioned in a paper non-passage area while IMAI discloses utilizing a conductive member in a paper passage area

In other words, according to the explicit recitations of the present invention, displacement of the magnetism masking element suppresses heating of the paper non-passage area. In direct contrast, IMAI performs displacement to improve the heating characteristics within the paper passage area when the temperature of the heating apparatus formed with the magnetic shunt metal is close to the Curie temperature. The goal of IMAI is to shorten warmup time and to stabilize the temperature, and to minimize temperature unevenness or partial overheating, as set forth in paragraphs [0007], [0009] and [0010].

For this additional reason it is respectfully submitted that Applicants' claims are clearly patentable over the disclosure of IMAI.

According to the present invention, the position of the magnetism masking element is displaced, by the magnetic flux adjustment section, in accordance with the size of the paper (i.e. in accordance with the presence or absence of paper in a paper non-passage area). On the other hand, IMAI teaches displacing the conductive member 45a in accordance with the temperature of the heat producing roller (i.e. depending on whether the temperature is higher or lower than the Curie temperature).

As a result of the disclosed structure of the present invention, the magnetism masking element suppresses and maintains the temperature of the heat producing element to a temperature that is lower than the fixing temperature. In contrast, IMAI utilizes a

conductive member to suppress the heating of the heat producing roller formed of a magnetic shunt alloy when the temperature becomes higher than the fixing temperature.

Accordingly, IMAI fails to disclose, in the claimed combination, that when the heat producing element produces heat, the magnetism masking element is positioned, by the magnetic flux adjustment section, such that the magnetic flux to the paper non-passage area of the heat producing element is masked and results in a suppression of heating of the paper non-passage areas.

For each of the above noted differences and distinctions in the structure and features of the present invention, as recited, with respect to the disclosure of IMAI, and certainly in view of all of the above noted differences and distinctions, Applicants respectfully submit that the claims in the present application are clearly patentable over the IMAI disclosure relied upon by the Examiner. Accordingly, an action to such effect is respectfully requested in due course indicating the allowability of all the claims pending in the present application.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have amended the claims to clarify the recitations of the features of Applicants' invention without narrowing the scope of the claims and not in view of the prior art. Applicants have addressed the issue of the Information Disclosure Statement filed in the present application and have thanked the Examiner for considering the documents cited herein. Applicants have additionally brought to the Examiner's attention two further Information Disclosure Statements filed in the present application and have requested consideration of the documents cited therein.

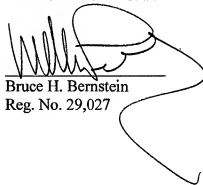
Applicants have addressed and traversed the Examiner's rejection of claim 33 under 35 U.S.C. § 112, first paragraph and have provided evidence showing that the subject matter of claim 33 is fully and properly described in the present application and that the present application fully complies with both the enablement requirement as well as with the written description requirement.

Applicants have additionally addressed the Examiner's rejection of several claims under 35 U.S.C. § 102 (b) and this regard, Applicants have pointed out the shortcomings and deficiencies of the IMAI reference relied upon in the above noted rejection. Applicants have noted the structural and functional differences between the presently claimed invention and the disclosure of IMAI. Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect, in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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A handwritten signature in black ink, appearing to read 'Bruce H. Bernstein', written over a horizontal line.

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